

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, Case Manager
JS Joel Lawson, Associate Director Development Review
DATE: October 18, 2019

SUBJECT: BZA Case 20127: 1204 Q Street, N.W., to permit additions to a nonconforming flat

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) does not find that the applicant has provided sufficient justification for all of the relief requested, and has made this concern known to the applicant. As a result, OP cannot recommend approval of the entire application at this time.

OP recommends **approval** of the following variance relief:

- Subtitle C § 1500.4(b), Penthouse General Regulations (habitable penthouses not permitted on the roof of a flat; habitable penthouse existing; expanded habitable penthouse proposed).

Subject to the following condition:

- The applicant submits adequate justification and documentation to the file for the extent of the additional penthouse habitable area; and/or reduces the existing habitable penthouse area to lessen the size of the penthouse to the extent possible, which would minimize any potential impacts and ensure that the variance criteria have been adequately satisfied.

OP recommends **denial** of the following variance relief:

- Subtitle C § 202.2, Enlargements or Additions to a Nonconforming Structure;
- Subtitle F § 302.1, Floor Area Ratio (1.80 maximum permitted; 3.26 existing; 3.47 proposed); and
- Subtitle F § 304.1, Lot Occupancy (60% maximum permitted; 99% existing; 99% proposed).

OP recommends **approval** of the following special exception relief:

- Subtitle C § 1502.1(c)(1), Penthouse Side Setbacks (distance equal to height from side of building or 8.83 feet required; 2.42 feet existing; none proposed); and
- Subtitle C § 1502.1(c)(4), Penthouse Rear Setbacks (distance equal to height from the rear of the building 8.83 feet required; 3.39 feet existing; 3.39 feet proposed).

II. LOCATION AND SITE DESCRIPTION

Address	1204 Q Street, N.W.
Applicant	David Boggs
Legal Description	Square 277, Lot 7
Ward, ANC	Ward 2, ANC 2F
Zone	RA-2
Historic Districts	Greater Fourteenth Street and Logan Circle
Lot Characteristics	Rectangular corner lot with no alley access
Existing Development	Three-story plus basement semi-detached building used for residential and office uses
Adjacent Properties	Row houses, flats and apartments
Surrounding Neighborhood Character	Moderate density residential
Proposed Development	<p>The applicant proposes to renovate the existing structure and convert it from what they say is a rooming house to a flat. Included in the renovations would be the addition of a new elevator, and a shift of the stairwell below, that would provide access to a proposed roof deck from an expanded habitable penthouse. The expansion would include the new stairwell and house the elevator override. The expansion would be to the south of the existing penthouse structure, and would be directly along the common wall with the adjoining structure. A new roof deck would be added above the third floor, accessible from the penthouse.</p> <p>The existing terrace on top of the one-story basement addition would be fully enclosed, expanding the footprint of the main floor. This would include space for a new sunroom, and area for an expanded kitchen, replacing kitchen area proposed to be devoted to the installation of the elevator. No new roof deck would be provided atop this building addition.</p> <p>The east side of the basement level would be converted to a second dwelling unit, and the west side to guest quarters for the main dwelling unit. No relief is required for these changes .</p>

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: RA-2	Regulation	Existing	Proposed	Relief
Height F § 303	50-foot max.	40.5 feet	40.5 feet	None Required
Lot Width	None Prescribed	22 feet, 4 inches	22 feet, 4 inches	None Required
Lot Area F § 201	1,800-sq. foot min.	1,044 sq. feet	1,044 sq. feet	None Required

Zone: RA-2	Regulation	Existing	Proposed	Relief
Floor Area Ratio F § 302	1.80 max.	3.26	3.47	REQUIRED
Lot Occupancy F § 301	60% max.	0.99% (basement)	0.99% (basement & 1st floor)	REQUIRED
	60% max.	0.75% (floors 1 thru 3)	0.75% (floors 2 and 3)	None Required
Rear Yard F § 305	4 inches/foot of building height or 13.67 feet	0.61 feet	0.61 feet	None Required
Side Yard F § 306	None	None	None	None Required
Parking C § 701	None	None	None	None Required
Penthouse Height F § 303.2	12-foot max.	8 feet, 1 inch	8 feet, 1 inch	None Required
Penthouse Front Setback C § 1502.1(a)	8.08 feet required	12.05 feet	12.05 feet	None Required
Penthouse West Side Setback C § 1502.1(c)(1)	8.08 feet required	12.73 feet	12.73feet	None Required
Penthouse East Side Setback C § 1502.1(c)(1)	8.08 feet required	3.39 feet	3.39 feet	REQUIRED
Penthouse Rear Setback C § 1502.1(c)(4)	8.08 feet required	2.42 feet	0.67 feet	REQUIRED

IV. OFFICE OF PLANNING ANALYSIS

- a. Variance Relief from Subtitle § 1500.4(b), Penthouse General Regulations (habitable penthouses not permitted on the roof of a flat; habitable penthouse existing; expanded habitable penthouse proposed).**

i. Exceptional Situation Resulting in a Practical Difficulty

The conversion of the building includes the expansion of the area of the penthouse, in excess of the amount permitted by special exception, to accommodate a new and relocated interior staircase and the installation of an elevator override. It would expand to the south, along the common wall with the row house to the south, consistent with the proposed location of the relocated stairwell below. This location for the penthouse would allow it to buttress an adjacent property chimney that the applicant is required to increase in height.

It also allows the penthouse to transfer the load to the common wall between the subject property and the property to the south.

Although the application does not provide an adequate description of the exceptional situation resulting in a practical difficulty to justify the extent of relief requested, the relocation of the stairwell to provide for a more logical interior layout may warrant some level of relief, provided the applicant submits adequate documentation that the additional penthouse habitable area is necessary, or reduces the existing habitable penthouse area to the extent possible.

ii. No Substantial Detriment to the Public Good

The increase in the size of the penthouse would be toward the common wall with the building to the south, and away from the Q Street and 13th Street frontages, minimizing its visibility. The applicant informed OP that the adjacent property to the south has no skylights or solar panels that could be impacted by the size or placement.

iii. No Substantial Harm to the Zoning Regulations

Expansion of the existing habitable penthouse would allow it to be expanded to accommodate proposed renovations to a building more than one-hundred years old. Consistent with the intent of the regulations, it would be expanded to a portion of the roof that would not result in visual or other impacts on the streetscape or neighboring properties, but would increase the size of the habitable area for an undefined purpose. The applicant should either indicate how the additional habitable area is necessary for the function of the penthouse, or reduce its size to the minimum necessary to accommodate the needs of the penthouse.

b. Variance Relief from Subtitle F § 302.1, Floor Area Ratio, and

c. Variance Relief from Subtitle F § 304.1, Lot Occupancy

i. Exceptional Situation Resulting in a Practical Difficulty

The expansion of the kitchen over what is currently a roof terrace, close to the location of existing plumbing and utilities, and the addition of a new enclosed sunroom over the remainder of the terrace result in the requested increase in FAR, and for lot occupancy on the main level. The existing building is already non-conforming for lot occupancy, especially on the basement level. The house currently occupies 99 percent of the lot on the basement level, and has a lot occupancy of 75 percent on the upper three levels. The addition would make the main level the same size as the basement level.

While OP is typically supportive of homeowners attempts to update existing structures to suit current needs and expectations, the applicant has not documented an exceptional situation resulting in a practical difficulty or hardship associated with the existing building or lot, or that would result from the lack of a sunroom, a smaller kitchen or a redesign of the first floor accommodate the needs of the applicant within the existing, considerably nonconforming lot occupancy and floor area ratio.

ii. No Substantial Detriment to the Public Good

The proposed relief should not result in a substantial detriment to the public good because it would convert an existing outdoor habitable space to enclosed area, reducing any noise associated with the use of this outdoor area that is located less than one foot from the adjoining lot. The proposal would enclose an existing roof terrace that is located less than a foot from the adjacent residential property to the east, but would have windows facing directly into the property to the east.

iii. No Substantial Harm to the Zoning Regulations

The proposal would increase the bulk of the building somewhat, which both FAR and lot occupancy are intended to control. Visibility of this portion of the building from the street would increase. The lot occupancy of the first level would increase to almost 100%, which is not typical in a residential zone. This would increase the appearance of bulk and density on the lot in excess of what would otherwise be expected within the RA-2 zone.

d. Special Exception Relief from Subtitle C § 1502.1(c), Penthouse Side and Rear Setbacks, subject to Subtitle C § 1504.1:

(a) The strict application of the requirements of this chapter would result in construction that is unduly restrictive, prohibitively costly, or unreasonable, or is inconsistent with building codes;

The requested relief to the penthouse requirements would allow the applicant to adapt an existing building with an existing penthouse. The adaptations include expanding the penthouse to the common wall with the building to the south. This would accommodate the proposed relocated stairwell below, and the new elevator override. Conformance with the penthouse side and rear setbacks would not permit these two new features to be located within the penthouse at the roof level, a reasonable expectation, or would require that the penthouse (and the elevator and stairwell below) be moved to be more central to the roof, resulting in more costly and less efficient floor plans.

(b) The relief requested would result in a better design of the roof structure without appearing to be an extension of the building wall;

As the penthouse would be set back in excess of the minimum distance required from both streets, its visibility would be limited, and it would not appear from the street as an extension of the building wall below.

(c) The relief requested would result in a roof structure that is visually less intrusive;

The expansion of the penthouse away the Q Street frontage and maintaining the existing setback from 12th Street would generally make the penthouse less intrusive than if the penthouse were extended in a conforming manner.

(d) Operating difficulties such as meeting D.C. Construction Code, Title 12 DCMR requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly or unreasonable;

Expansion of the roof structure to the south would allow the applicant to better accommodate an elevator overrun and permit the relocated stairwell to better achieve efficiencies on the lower floors within the building, in addition to buttressing one of the existing chimneys on the adjoining property to the south,

- (e) Every effort has been made for the housing for mechanical equipment, stairway, and elevator penthouses to be in compliance with the required setbacks; and**

The application proposes the relocation of the stairwell to the south wall of the building to improve internal circulation of the flat, and adjacent to a proposed elevator, resulting in the shifting of the south wall of the penthouse to the south adjacent to the common wall with the structure to the south, allowing the penthouse to accommodate these two features of the building. As noted above, the applicant should provide additional justification for the proposed size of the penthouse, as reducing the size could reduce (but not likely eliminate) the amount of relief needed.

- (f) The intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.**

The side and rear setback requirements are intended to minimize the visibility of penthouses as seen from streets and public ways. The subject property is a corner lot in a square with no alleys, and the building has an existing habitable penthouse predating the Zoning Regulations. Although relief is required to expand the area of this penthouse, the penthouse itself would be no closer to either Q Street or 13th Street, with the result that the expanded walls should not increase its visibility from public ways. Therefore, the proposal would not tend to have an adverse effect on neighboring properties because it would be located directly adjacent to a neighboring roof, without impacting light or privacy, and would serve to buttress one of the existing chimneys on the adjacent property to the south.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The Historic Preservation Review Board, at its meeting of July 25, 2019, found the application to be compatible with the character of the historic district.

DDOT, in a memorandum dated October 18, 2019, indicated that it had no objection to the approval of the application. (Exhibit 46)

No comments from other District agencies were submitted to the record as of the date of the filing of this report.

VI. COMMUNITY COMMENTS TO DATE

ANC 2F, at its regularly scheduled meeting of September 4, 2019, voted to support the application. (Exhibit 37)

Four letters were submitted to the record in support of the application. (exhibits 18, 19, 20 and 44)

Attachment: Location Map

